

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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UNITED STATES OF AMERICA,

-against-

PERCY ARTURO VASQUEZ-DREW,

Defendant.

1:19-cr-91-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

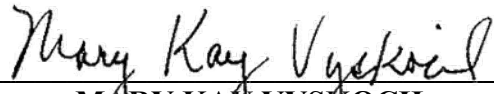
On February 27, 2024, Defendant Arturo Vasquez-Drew was sentenced principally to a term of imprisonment of 100 months. [ECF No. 345, 350]. At Defendant’s sentencing, the Court conducted, as it is obligated to do, an independent calculation of Defendant’s Guidelines range. In doing so, the Court expressly stated on the record that it “appl[ied] [a] two-point offense level reduction” to the calculation because Defendant was “eligible for the zero-point-offender recalculation” pursuant to Amendment 821 to the Sentencing Guidelines Amendments which went into effect on November 1, 2023. [ECF No. 350] (“Transcript”) at 17:1-7. The Court confirmed, on the record, that all parties agreed Defendant was eligible for the two-level reduction pursuant to Amendment 821. Transcript at 17:5-11. The Court additionally recognized that the revised presentence report also factored the two-level reduction into its proposed Guidelines range. Transcript at 17:12-19.

Notwithstanding, on May 6, 2024, Defendant filed a motion requesting that the Court consider a sentence reduction pursuant to Amendment 821, because “he meets all criteria listed . . . to receive the two-point reduction.” [ECF No. 354]. In light of the aforementioned record in this case, it is hereby ORDERED that Defendant’s motion is DENIED because the Court

did indeed apply the requested two-point reduction pursuant to Amendment 821 in calculating Defendant's current sentence.

SO ORDERED.

Dated: May 6, 2024
New York, New York



MARY KAY VYSKOCIL
United States District Judge